

Montana Water Court
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IN THE WATER COURT OF THE STATE OF MONTANA
LOWER MISSOURI DIVISION
MUSSELSHELL RIVER ABOVE ROUNDUP BASIN (40A)
PRELIMINARY DECREE

* * * * *

CLAIMANTS: Chicago Milwaukee
St Paul & Pacific RR
LLC; Mauws Ranch
Irrevocable Trust

CASE 40A-0114-R-2022

40A 203368-00	40A 204207-00	40A 204217-00
40A 204197-00	40A 204208-00	40A 204221-00
40A 204198-00	40A 204209-00	40A 204224-00
40A 204202-00	40A 204210-00	40A 204226-00
40A 204203-00	40A 204211-00	40A 204227-00
40A 204204-00	40A 204212-00	40A 204229-00
40A 204205-00	40A 204213-00	40A 204230-00
40A 204206-00	40A 204214-00	

**ORDER RECONSOLIDATING CLAIM 40A 204197-00 AND AMENDING AND
ADOPTING MASTER'S REPORT FOR REMAINING CLAIMS**

Pursuant to Montana Code Annotated, §85-2-233(5), this Case was assigned to Senior Water Master Melissa Lockman. The Water Master filed a Report containing Findings of Fact and Conclusions of Law with the Clerk of Court. Phil Rostad and Mike Rhynard filed timely objections to the Report.

The claims in this matter are owned by the Chicago Milwaukee Railroad and received issue remarks questioning ownership of the claims. The Master's Report stated potential new owners of the claim were identified and provided opportunities to update ownership of the claims, if appropriate. The Master's Report recommended that the issue remark be removed from the above-captioned claims.

Phil Rostad objected to the Master's Report as it pertains to claim 40A 204224-00. Mr. Rostad stated his family has owned the land associated with the point of diversion for 125 years and the right is not in use by him or the railroad. Mr. Rostad requested the claim be dismissed. Based on the information provided by Mr. Rostad, claim 40A 204224-00 will be dismissed.

Mike Rhynard (Rhynard Ranch LLP) objected to the Master's Report as it pertains to claim 40A 204197-00. In order to resolve Mr. Rhynard's objection to the Master's Report, an opportunity for him to provide further information is required. Claim 40A 204197-00 is reconsolidated into **Water Court Case 40A-0630-R-2023** and recommitted to the Water Master for further proceedings.

For the remaining claims in this matter, pursuant to Rule 53(e), M.R.Civ.P., the Court **ADOPTS** the Master's Report and its Recommendations with the above referenced amendment, and **APPROVES** the corrections to the centralized computer record system that are reflected on the abstract served with this Order.

ELECTRONICALLY SIGNED AND DATED BELOW.

Service via USPS Mail

Chicago Milwaukee St Paul & Pacific RR
LLC
% Montana Rail Link, Attn: Joe Gentri
PO Box 16624
Missoula, MT 59808

Potential Owner:
71 Ranch LP
40 71 Ranch Ln
Martinsdale, MT 59053-8709

Mauws Ranch Irrevocable Trust
Bryan M & Sarah Mauws, Trustees
PO Box 162
Judith Gap, MT 59453-0162

Potential Owner:
LB Foster Company
415 Holiday Dr
Pittsburgh, PA 15220-2729

Potential Owner:
City of Harlowton
PO Box 292
Harlowton, MT 59036-0292

Potential Owner:
Grande Ranch Company
149 Grande Rd
Martinsdale, MT 59053-8757

Potential Owner:
Rhynard Ranch LLP
448 Clear View Rd
Martinsdale, MT 59053-8762

Potential Owner:
Postell M & Kathryn G H Nicholes
10 Jawbone Rd
Martinsdale, MT 59053-8749

Potential Owner:
Leonard Vince & Rosemary McCauley
Lonny Degenhart
c/o Rosemary McCauley
36 S Barber Rd
Ryegate, MT 59074-9732

Potential Owner:
Kevin W & Kathy A Sulser
4 Jawbone Rd
Martinsdale, MT 59053-8749

Potential Owner:
Wilks Ranch Montana LTD
PO Box 111
Cisco, TX 76437-0111

Potential Owner:
Lee & Sheila Cavender
381 Arrow Trl
Bozeman, MT 59718-8672

Potential Owner:
Cottonwood Cabins LLC
48 Eden Ln
Stamford, CT 06907-1001

Potential Owner:
Bair Co
PO Box 1980
Fargo, ND 58107-1980

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
MUSSELSHELL RIVER, ABOVE ROUNDUP
BASIN 40A**

Water Right Number: 40A 204224-00 STATEMENT OF CLAIM
Version: 3 -- POST DECREE
Status: DISMISSED

Owners: CHICAGO MILWAUKEE ST PAUL & PACIFIC RR LLC
%MONTANA RAIL LINK, ATTN: JOE GENTRI
PO BOX 16624
MISSOULA, MT 59808

Priority Date:

Type of Historical Right:

Purpose (use): COMMERCIAL

Flow Rate:

Volume:

Source Name: BOZEMAN FORK MUSSELSHELL RIVER
Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

Period of Use:

Place of Use:

Remarks:

THIS CLAIM WAS DISMISSED BY ORDER OF THE WATER COURT.